

*Resolution to R-80-79.*

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5 A RESOLUTION amending Article II, Chapter 2  
6 of the Code of the City of Fort Wayne, Indiana  
7 of 1974 (Rules of the Common Council) by  
adding thereto a new Division 6. "Procedure  
for designating an urban development area  
pursuant to I.C. 6-1.1-12.1-2".

8 WHEREAS, Chapter 12.1 et seq. as added to I.C. 6-1.1 by P.L.  
9 69, Acts of 1977 of the General Assembly of the State of Indiana,  
10 authorizes certain deductions against local ad valorem real estate  
11 taxes for property located within an area which is duly designated  
12 an "urban development area" as defined in I.C. 6-1.1-12.1 (1);  
13 and,

14 WHEREAS, Section 6 of P.L. 56, Acts of 1979 amends I.C.  
15 6-1.1-12.1-2 so as to transfer from the Redevelopment Commission  
16 to the Common Council the authority to determine that a parti-  
17 cular area qualifies to be designated an "urban development  
18 area" as defined in I.C. 6-1.1-12.1-1(1) while retaining in  
19 the case of second class cities the provision that the procedure  
20 to be followed be the same as the procedures required of the  
21 Redevelopment Commission for designating blighted areas proposed  
22 for redevelopment under I.C. 18-7-7-12 and 15; and,

23 WHEREAS, the Common Council of the City of Fort Wayne,  
24 Indiana is mindful of the fact that it is not equipped or staffed  
25 to conduct the studies and collect, process, and produce the data  
26 and analyses or otherwise proceed in the fashion prescribed  
27 by I.C. 18-7-7-12 and 15; and,

28 WHEREAS, the foregoing can be accomplished by amending the  
29 Rules of this Council, as found in Article II, Chapter 2, of the  
30 1974 Code, to prescribe a workable procedure for dealing with  
31 the designation of "urban development areas" which fits the  
32 situation of this body, makes maximum practical use of the available  
33 assistance of the particularly qualified and experienced admin-  
34 istrative agency and keeps to the spirit of I.C. 6-1.1-12.1-1.

1        NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE  
2        CITY OF FORT WAYNE, INDIANA:

3        SECTION 1. That Article II, Chapter 2 of the Code of the  
4        City of Fort Wayne, Indiana of 1974 is hereby amended by adding  
5        thereto a new Division 6, which shall be and read as follows,  
6        to-wit:

7        "Division 6. Procedure for designating an 'Urban Development  
8        Area' pursuant to I.C. 6-1.1-12.1-2."

9        (a) Whenever a property owner desires that the area in  
10      which his property is located be designated an "Urban Develop-  
11      ment Area" as defined in I.C. 6-1.1-12.1-1(1), he shall initiate  
12      the procedure as follows:

13      First, the property owner shall pay a filing fee to the  
14      City Clerk in the amount of fifty dollars (\$50.00) and obtain  
15      a receipt for same, except where the property is an owner occupied  
16      single family project as provided in IC 6-1.1-12.1-5(f);

17      Second, he shall file his petition for such designation  
18      with the City Clerk, with the City Controller's receipt for  
19      payment of such filing fee attached. The City Clerk shall  
20      furnish an appropriate form for such petition on request.

21      (b) Upon receipt of such petition and receipt, the  
22      City Clerk shall:

23        (1) Note the time and date of the filing thereof on  
24                the face of such petition and in a special book  
25                kept by him for such purpose;

26        (2) Forward the petition and receipt to the Law De-  
27                partment of the City with a request for the  
28                preparation and return to said Clerk of a  
29                bill for a Declaratory Resolution which designates  
30                the Urban Development Area petitioned for;

31        (3) Upon receipt from the Law Department of the  
32                Petition, Receipt and Bill for a Resolution,  
33                said Clerk shall include the same in the new  
34                business portion of the agenda of Common Council

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3       NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE  
4       CITY OF FORT WAYNE, INDIANA:

5       SECTION 1. That Article II, Chapter 2 of the Code of the  
6       City of Fort Wayne, Indiana of 1974 is hereby amended by adding  
7       thereto a new Division 6, which shall be and read as follows,  
8       to-wit:

9       "Division 6. Procedure for designating an 'Urban Development  
10      Area' pursuant to I.C. 6-1.1-12.1-2."

11      (a) Whenever a property owner desires that the area in  
12       which his property is located be designated an "Urban Develop-  
13       ment Area" as defined in I.C. 6-1.1-12.1-1(1), he shall initiate  
14       the procedure as follows:

15       First, the property owner shall pay a filing fee to the  
16       City Clerk in the amount of fifty dollars (\$50.00) and obtain  
17       a receipt for same;

18       Second, he shall file his petition for such designation  
19       with the City Clerk, with the City Controller's receipt for  
20       payment of such filing fee attached. The City Clerk shall  
21       furnish an appropriate form for such petition on request.

22      (b) Upon receipt of such petition and receipt, the  
23       City Clerk shall:

- 24       (1) Note the time and date of the filing thereof on  
25           the face of such petition and in a special book  
26           kept by him for such purpose;
- 27       (2) Forward the petition and receipt to the Law De-  
28           partment of the City with a request for the  
29           preparation and return to said Clerk of a  
30           bill for a Declaratory Resolution which designates  
31           the Urban Development Area petitioned for;
- 32       (3) Upon receipt from the Law Department of the  
33           Petition, Receipt and Bill for a Resolution,  
34           said Clerk shall include the same in the new  
35           business portion of the agenda of Common Council

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2 at it's next regular meeting, thus:

3 (i) The petition shall constitute a communication  
4 under 1974 City Code Sec. 2-18(e)(6);

5 (ii) The Bill for the Declaratory Resolution  
6 shall be processed the same as an ordi-  
7 nance under 1974 City Code Sec. 2-40.

8 (4) The City Clerk shall also establish and apply to  
9 such bills, Resolutions, and petitions, a system  
10 of numbering corresponding to that prescribed  
11 by 1974 City Code Sec. 2-31, using the prefix  
12 "D".

13 (c) Upon the introduction of the Petition and bill for  
14 Declaratory Resolution, they shall be referred to the Common  
15 Council's Committee on Finance and to the Redevelopment Com-  
16 mission for public hearing and recommendation.

17 (d) The Redevelopment Commission, upon receipt of a petition  
18 and Resolution as per the foregoing shall proceed as follows:

19 (1) Set the matter for public hearing at the  
20 next convenient opportunity;

21 (2) Publish notice once a week for two (2) conse-  
22 cutive weeks in a local newspaper of general  
23 circulation of the date, time and place and  
24 subject matter of such hearing;

25 (3) Conduct a public hearing pursuant to such notice,  
26 on the question of whether such Resolution should  
27 be adopted, and what its recommendation to the  
28 Common Council should be in such regard.

29 (4) At such hearing receive, hear and consider all  
30 objections to and remonstrances against passage  
31 of such Resolution by the Common Council, as well  
32 as the evidence and arguments submitted by the  
33 Petitioner and any who support him, both oral and  
34 in writing;

35 (5) Cause its staff to prepare or obtain appropriate maps,  
plats, property lists, appraisals, assessed valuations,

analyses and other material and data pertinent to or useful in determining whether granting the petition will be of public utility and benefit as required by state law (I.C. 18-7-7-12).

(6) Arrive at a conclusion as to the public utility and benefit of the petitioned proposal, or the lack thereof.

(e) (1) The Redevelopment Commission may recommend amendments, changes or modifications in the Declaratory Resolution and (2) shall take final, formal action upon the Resolution to return it to the Common Council with its written recommendations as to any such modifications and as to whether the Resolution should be finally confirmed by Common Council. This may be put in the form of a recommendation that the bill for Resolution "Do Pass or Do Not Pass". The Redevelopment Commission's action in such regard shall be in the form of a formal resolution adopted by it in open meeting by a favorable vote of at least a majority of its members present and voting, and shall contain, in summary form, its reasons for its recommendation, including any recommendation that the Declaratory Resolution be amended, changed, or modified, in any way.

(f) Upon receipt from the Redevelopment Commission of its report and recommendation by the Common Council, such report shall be included in the communications to the Council and the Declaratory Resolution shall be a part of the current business of the Council's Committee on Finance. Such report shall be considered by the Council's Committee on Finance at the earliest convenient date and shall be treated by such Committee in the same manner as any other Bill. If reported out favorably by the Committee on Finance, the Declaratory Resolution shall be placed upon its passage. If then passed according to the rules of said Common Council, the same shall constitute final confirming action by the Common Council determining the public utility and benefit of the Urban Development

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2 Area proposed by the Declaratory Resolution; provided, however  
3 if the Common Council amends the resolution then it may be  
4 returned to the Redevelopment Commission with a written  
5 statement of the reasons for its amendment.

6 SECTION 2. That this Resolution shall be effective upon  
7 passage and approval by the Mayor.

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10 Councilman

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28 Approved as to form and legality  
29 this 21st day of November, 1979.

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John H. Logan, Attorney for Common Council

Read the first time in full and on motion by U. Schmidt, seconded by

Henry, and duly adopted, read the second time by title and referred to the Committee on Finance (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_, at \_\_\_\_\_ o'clock M., E.S.T.

DATE: 11-27-79

Charles W. Westerman, Jr.  
CITY CLERK

Read the third time in full and on motion by U. Schmidt, seconded by Henry, and duly adopted, placed on its passage.

PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>7</u>	—	—	<u>2</u>	—
<u>BURNS</u>	<u>✓</u>	—	—	—	—
<u>HINGA</u>	<u>✓</u>	—	—	—	—
<u>HUNTER</u>	—	—	—	<u>✓</u>	—
<u>MOSES</u>	—	—	—	<u>✓</u>	—
<u>NUCKOLS</u>	<u>✓</u>	—	—	—	—
<u>SCHMIDT, D.</u>	<u>✓</u>	—	—	—	—
<u>SCHMIDT, V.</u>	<u>✓</u>	—	—	—	—
<u>STIER</u>	<u>✓</u>	—	—	—	—
<u>TALARICO</u>	<u>✓</u>	—	—	—	—

DATE: 12-11-79

Charles W. Westerman  
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE

(RESOLUTION) No. Q-80-79 on the 11th day of December, 1979.  
ATTEST: (SEAL)

Charles W. Westerman

CITY CLERK

James S. Stier  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12-21 day of December, 1979, at the hour of 2:30 o'clock P. M., E.S.T.

Charles W. Westerman  
CITY CLERK

Approved and signed by me this 14th day of December, 1979, at the hour of 10 o'clock M., E.S.T.

Donald E. Henshaw  
MAYOR

Bill No. R-79-11-46

REPORT OF THE COMMITTEE ON FINANCE

We, your Committee on Finance to whom was referred an Ordinance

A RESOLUTION amending Article II, Chapter 2 of the Code of the  
City of Fort Wayne, Indiana of 1974 (Rules of the Common Council)  
by adding thereto a new Division 6. "Procedure for designating  
an urban development area pursuant to I.C. 6-1.1-12.1-2."

have had said Ordinance under consideration and beg leave to report back to the Common  
Council that said Ordinance do PASS.

VIVIAN G. SCHMIDT - CHAIRMAN

WILLIAM T. HINGA - VICE CHAIRMAN

JAMES S. STIER

JOHN NUCKOLS

DONALD J. SCHMIDT

*Vivian G. Schmidt*  
*William T. Hinga*  
*John Nuckols*  
*Donald J. Schmidt*

*12-11-79*

CONCURRED IN

DATE CHARLES W. WESTERMAN, CITY C